

Notice of Allowability

Application No.

10/635,571

Examiner

Yvette C. Thornton

Applicant(s)

OKINO ET AL.

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to preliminary amendment filed on November 6, 2003.
2. ☒ The allowed claim(s) is/are 30-41.
3. ☒ The drawings filed on 07 August 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/884977.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 08072003, 09022003, 11072003, 04152004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Yvette Clarke Thornton
Patent Examiner
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REASONS FOR ALLOWANCE

This is written in reference to application number 10/635571 filed on August 7, 2003 and published as US 2004/0043324 a1 on March 4, 2004, which is a continuation of US 6541597, which is a divisional of US 6303266.

Response to Amendment

1. The preliminary amendments filed on August 7, 2003 and November 6, 2003 have been entered and fully considered.
2. Claims 1-29 have been cancelled. Claims 30-41 are currently pending.

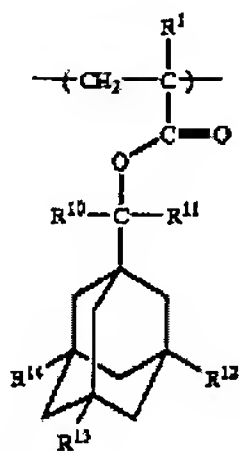
Information Disclosure Statement

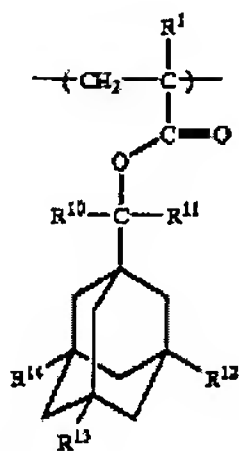
3. The Information Disclosure Statements filed on August 7, 2003, September 2, 2003, November 7, 2003 and April 15, 2004 have been entered and fully considered.

Allowable Subject Matter

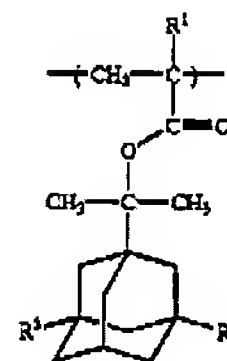
4. Claims 30-41 are allowed.
5. The following is an examiner's statement of reasons for allowance: review of the prior art failed to teach and/or suggest a composition and method of using as set forth in the present claims, which antedates the present application's effective filing date of the September 23, 1999.
6. The closest prior art reference to Funaki et al. (US 6692889 B1) teaches a photoresist composition comprising at least one monomer unit of formulae (I)-(IV) where formula (IV)

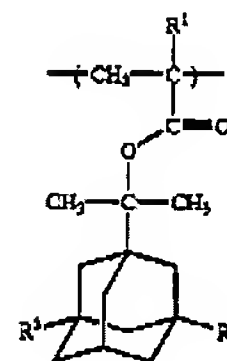
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has the structure , wherein R12-14 are each a hydrogen atom or a hydroxyl group. See examples 81-83. The said reference has a publication date of February 17, 2004 and an effective filing date of April 5, 2001. Therefore the said reference is not citable under as prior art under the stature of 35 USC 102(b), (e) or (a).

7. The prior art reference to Ushirogouchi et al. (US 6440636 B1) discloses a resin



composition comprising at least one monomeric unit of formula (I)  wherein R2 and R3 is independently a hydrogen atom or a hydroxyl group. See example 10-11, 17-19 and 20-21. The said reference has a publication date of August 27, 2002 and filing date of November 2, 2000. Therefore, the reference is not citable as prior art under 35 USC 102(b), (e) or (a).

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvette C. Thornton whose telephone number is 571-272-1336. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:30 pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F. Huff, can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvette Clarke Thornton
Patent Examiner
Art Unit 1752

yct
June 13, 2004